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DEPARTMENT PASS TO EB/ESC/TFS, S/CT (PATTY HILL), IO/PSC
(JOHN SANDAGE)

E.O. 12958: N/A

TAGS: KTFN PTER PREL EI

SUBJECT: TERRORIST LISTS: IRELAND

REF: STATE 193615

¶1. (SBU) Ireland does not maintain a nationalist list of banned terrorist entities. Under the 1939 Offenses Against the State Act, the Irish Government is empowered to issue a "suppression order" against unlawful organizations. (The legislation can be found at www.irishstatutebook.ie. Click on "Acts of the Oireachtas 1922-2005," then click on 1939, and then again on "No.13/139 - Offenses Against the State Act, 1939.") In 1939, the Irish Government issued a suppression order against the Irish Republican Army (IRA, or, in the original Gaelic, Oglach Na h'Eireann). This suppression order is considered to cover all forms of the IRA, including: the Real IRA, the Continuity IRA, the Provisional IRA, the Official IRA, and any other organization appending the name, "IRA." This suppression order can be found at: www.irishstatutebook.ie/ZZSI162Y1939.html. In 1983, the Irish Government issued a suppression order, against the Irish National Liberation Army (INLA), which can be found at www.irishstatutebook.ie/ZZSI7Y1983.html. No other organizations have been subject to a suppression order. Moreover, an Irish Department of Justice, Equality, and Law Reform contact informed Pol/Econ Chief that the Irish Government has always interpreted the 1939 Offenses Against the State Act as pertaining only to domestic entities.

¶2. (SBU) In 2005, the Irish Government enacted the Criminal Justice (Terrorism Offenses) Act. This legislation: brought Ireland into compliance with European Union Framework decisions on combating terrorism; provided the legal framework for Ireland's subsequent ratification of four UN Conventions on Terrorism to which it had previously not been party; and, strengthened the Government's ability to prosecute and seize assets of those suspected of supporting terrorism, including terrorist activities not within Ireland. (The legislation can be found at www.irishstatutebook.ie. Click on "Acts of the Oireachtas 1922-2005," then click on 2005, and then again on "No.2/2005 - Criminal Justice (Terrorist Offenses) Act 2005.") The legislation, however, does not ban terrorist entities. As a theoretical example, an entity that established itself in Ireland for the purpose of conducting or supporting terrorist activities could not be banned under the 2005 Criminal Justice Act, although technically it could be subject to a suppression order under the 1939 Offenses Against the State Act. Even without a suppression order, the Irish Government could freeze the entity's assets and prosecute its members under the 2005 Criminal Justice Act.

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